

REMARKS

The specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Claims 1, 6 and 23 have been amended to state the ATCC accession number. No new matter is included in these amendments.

Applicant respectfully requests entry of the foregoing amendments to the specification and claims.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Barbara Campbell, Reg. No. 59,602				
SIGNATURE	<i>Barbara Campbell</i>		DATE	February 13, 2008	
Address	Jondle & Associates P.C. 858 Happy Canyon Road, Suite 230				
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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Jondle & Associates P.C.
ATTN: Kenyon L. Schuett
858 Happy Canyon Road suite 230
Castle Rock, CO 80108

Deposited on Behalf of: A. Duda & Sons, Inc.

Identification Reference by Depositor:

Celery Apium graveolens (L.): ADS-2
Celery Apium graveolens (L.): ADS-3

Patent Deposit Designation

PTA-7734
PTA-7735

1434-005

The seeds were accompanied by: ☒ a scientific description ☐ a proposed taxonomic description indicated above. The seeds were received July 18, 2006 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested July 31, 2006. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Dee Bishop, ATCC Patent Depository

Date: August 4, 2006